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ELIMINATION OF RACISM AND RACIAL DISCRIMINATION

Ghana*: revised draft resolution

Third Decade to Combat Racism and Racial Discrimination

The General Assembly,

Reaffirming its objectives set forth in the Charter of the United Nations to achieve international cooperation in solving problems of an economic, social, cultural or humanitarian character and in promoting and encouraging respect for human rights and fundamental freedoms for all without distinction as to race, sex, language or religion,

Reaffirming also its firm determination and its commitment to eradicate totally and unconditionally racism in all its forms and racial discrimination,

Recalling the Universal Declaration of Human Rights, 1/ the International Convention on the Elimination of All Forms of Racial Discrimination, 2/ and the Convention against Discrimination in Education adopted by the United Nations Educational, Scientific and Cultural Organization on 14 December 1960, 3/

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* On behalf of the States Members of the United Nations that are members of the Group of African States.

1/ Resolution 217 A (III).

2/ Resolution 2106 A (XX), annex.

3/ United Nations Educational, Scientific and Cultural Organization, Records of the General Conference, Eleventh Session, Resolutions, p. 119.

Recalling also the outcome of the two World Conferences to Combat Racism and Racial Discrimination, held at Geneva in 1978 and 1983,

Welcoming the outcome of the World Conference on Human Rights, held at Vienna from 14 to 25 June 1993, and, in particular, the attention given in the Programme of Action 4/ to the elimination of racism, racial discrimination, xenophobia and other forms of intolerance,

Taking note of the recommendation of the Subcommission on Prevention of Discrimination and Protection of Minorities to the Commission on Human Rights at its fifty-first session to examine the possibility of convening a world conference on the elimination of racism, racial and ethnic discrimination, xenophobia and other related contemporary forms of intolerance, to take place in 1997,

Stressing the importance of the activities of the special rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance,

Recalling its resolution 38/14 of 22 November 1993, the annex to which contains the Programme of Action for the Second Decade to Combat Racism and Racial Discrimination,

Noting with grave concern that, despite the efforts of the international community, the principal objectives of the two Decades for Action to Combat Racism and Racial Discrimination have not been attained and that millions of human beings continue to this day to be the victims of varied forms of racism and racial discrimination,

Deeply concerned about the current trend of the evolution of racism into discriminatory practices based on culture, nationality, religion or language,

Recalling, in particular, its resolution 48/91 of 20 December 1993, by which it proclaimed the Third Decade to Combat Racism and Racial Discrimination,

Having considered the report submitted by the Secretary-General within the framework of the implementation of the Programme of Action for the Third Decade, 5/

Firmly convinced of the need to take more effective and sustained measures at the national and international levels for the elimination of all forms of racism and racial discrimination,

Welcoming South Africa's peaceful transition to a democratic and non-racial society,

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4/ Report of the World Conference on Human Rights, Vienna, 14-25 June 1993 (A/CONF.157/24 (Part I)), chap. III.

5/ A/49/464.

Recognizing the importance of strengthening national legislation and institutions for the promotion of racial harmony,

Deeply concerned about the fact that the phenomenon of racism and racial discrimination against migrant workers continues to increase despite efforts undertaken by the international community to improve the protection of the human rights of migrant workers and members of their families,

Recalling the adoption at its forty-fifth session of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, 6/

Acknowledging that indigenous people are at times victims of particular forms of racism and racial discrimination,

1. Declares once again that all forms of racism and racial discrimination, whether in their institutionalized form or resulting from official doctrines of racial superiority or exclusivity, such as ethnic cleansing, are among the most serious violations of human rights in the contemporary world and must be combated by all available means;

2. Welcomes the proclamation of the Third Decade to Combat Racism and Racial Discrimination, which began in 1993, and adopts the revised Programme of Action for the Third Decade contained in the annex to the present resolution and requests the Secretary-General to make a further review of the Programme of Action with a view to making it more effective and action-oriented;

3. Calls upon Governments to cooperate more closely with the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance to enable him to fulfil his mandate;

4. Urges all Governments to take all necessary measures to combat new forms of racism, in particular by adapting constantly the means provided to combat them, especially in the legislative, administrative, educational and information fields;

5. Decides that the international community in general and the United Nations in particular should give the highest priority to programmes for combating racism and racial discrimination and intensify their efforts during the Third Decade to provide assistance and relief to the victims of racism and all forms of racial discrimination;

6. Requests the Secretary-General to continue to accord special attention to the situation of migrant workers and members of their families and to include regularly in his reports all information on such workers;

7. Calls upon all Member States to consider signing and ratifying or acceding to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families as a matter of priority;

6/ Resolution 45/158, annex.

8. Requests the Secretary-General to continue the study on the effects of racial discrimination on the children of minorities, in particular those of migrant workers, in the fields of education, training and employment, and to submit, inter alia, specific recommendations for the implementation of measures to combat the effects of that discrimination;

9. Urges the Secretary-General, United Nations bodies, the specialized agencies, all Governments, intergovernmental organizations and relevant non-governmental organizations, in implementing the Programme of Action for the Third Decade, to pay particular attention to the situation of indigenous people;

10. Requests the Secretary-General to revise and finalize the draft model legislation for the guidance of Governments in the enactment of further legislation against racial discrimination, in the light of comments made by members of the Committee on the Elimination of Racial Discrimination at its fortieth and forty-first sessions and to publish and distribute the text as soon as possible;

11. Renews its invitation to the United Nations Educational, Scientific and Cultural Organization to expedite the preparation of teaching materials and teaching aids to promote teaching, training and education activities on human rights and against racism and racial discrimination, with particular emphasis on activities at the primary and secondary levels of education;

12. Considers that all the parts of the Programme of Action for the Third Decade should be given equal attention in order to attain the objectives of the Third Decade;

13. Regrets that some of the activities scheduled for the Second Decade to Combat Racism and Racial Discrimination have not been implemented for lack of adequate resources;

14. Requests the Secretary-General to ensure that the necessary financial resources are provided for the implementation of the activities of the Third Decade during the biennium 1994-1995;

15. Also requests the Secretary-General to accord the highest priority to the activities of the Programme of Action for the Third Decade;

16. Further requests the Secretary-General to submit each year to the Economic and Social Council a detailed report on all activities of United Nations bodies and the specialized agencies, analysing information received on such activities to combat racism and racial discrimination;

17. Invites the Secretary-General to submit proposals to the General Assembly with a view to supplementing, if necessary, the Programme of Action for the Third Decade;

18. Invites all Governments, United Nations bodies, the specialized agencies and other intergovernmental organizations, as well as interested non-governmental organizations in consultative status with the Economic and Social Council, to participate fully in the Third Decade;

19. Also invites all Governments, intergovernmental and non-governmental organizations and individuals in a position to do so to contribute generously to the Trust Fund for the Programme for the Decade of Action to Combat Racism and Racial Discrimination, and to this end requests the Secretary-General to continue to undertake appropriate contacts and initiatives;

20. Decides to keep the item entitled "Elimination of racism and racial discrimination" on its agenda and to consider it as a matter of highest priority at its fiftieth session.

ANNEX

Revised Programme of Action for the Third Decade to Combat Racism and Racial Discrimination (1993-2003)

INTRODUCTION

1. The goals and objectives of the Third Decade to Combat Racism and Racial Discrimination are those adopted by the General Assembly for the first Decade and contained in paragraph 8 of the annex to its resolution 3057 (XXVIII) of 2 November 1973:

> "The ultimate goals of the Decade are to promote human rights and fundamental freedoms for all, without distinction of any kind on grounds of race, colour, descent or national or ethnic origin, especially by eradicating racial prejudice, racism and racial discrimination; to arrest any expansion of racist policies, to eliminate the persistence of racist policies and to counteract the emergence of alliances based on mutual espousal of racism and racial discrimination; to resist any policy and practices which lead to the strengthening of the racist regimes and contribute to the sustainment of racism and racial discrimination; to identify, isolate and dispel the fallacious and mythical beliefs, policies and practices that contribute to racism and racial discrimination; and to put an end to racist regimes."

2. In drawing up suggested elements for the Programme of Action for the Third Decade, account has been taken of the fact that current global economic conditions have caused many Member States to call for budgetary restraint, which in turn requires a conservative approach to the number and type of programmes of action that may be considered at this time. The Secretary-General also took into account the relevant suggestions made by the Committee on the Elimination of Racial Discrimination at its forty-first session. The elements presented below have been suggested as those which are essential, should resources be made available to implement them.

MEASURES TO REMEDY THE LEGACY OF CULTURAL, ECONOMIC AND SOCIAL DISPARITIES LEFT BY APARTHEID

3. The successful peaceful transition of South Africa to a democratic and non-racial society with human rights safeguarded by an entrenched Charter of Fundamental Rights has nevertheless left cultural, economic and social inequalities reflecting historical deprivation. Corrective action by human rights bodies will make a constructive contribution.

ACTION AT THE INTERNATIONAL LEVEL

4. During the discussion at the substantive session of 1992 of the Economic and Social Council concerning the Second Decade to Combat Racism and Racial Discrimination, many delegations expressed their concern with regard to new expressions of racism, racial discrimination, intolerance and xenophobia in various parts of the world. In particular, these affect minorities, ethnic groups, migrant workers, indigenous populations, nomads, immigrants and refugees.

5. The biggest contribution to the elimination of racial discrimination will be that which results from the actions of States within their own territories. International action undertaken as part of any programme for the Third Decade should therefore be directed so as to assist States to act effectively. The International Convention on the Elimination of All Forms of Racial Discrimination has established standards for States, and every opportunity should be seized to ensure that these are universally accepted and applied.

6. The General Assembly should consider more effective action to ensure that all States parties to the International Convention on the Elimination of All Forms of Racial Discrimination fulfil their reporting and financial obligations. National action against racism and racial discrimination should be monitored and improved by requesting an expert member of the Committee on the Elimination of Racial Discrimination to prepare a report on obstacles encountered with respect to the effective implementation of the Convention by States parties and suggestions for remedial measures.

7. The General Assembly requests the Secretary-General to organize regional workshops and seminars. A team from the Committee should be invited to monitor these meetings. The following themes are suggested for the seminars:

(a) Seminar to assess the experience gained in the implementation of the International Convention on the Elimination of All Forms of Racial Discrimination. The seminar would also assess the efficiency of national legislation and recourse procedures available to victims of racism;

(b) Seminar on the eradication of incitement to racial hatred and discrimination, including the prohibition of propaganda activities and of organizations involved in them;

(c) Seminar on the right to equal treatment before tribunals and other judicial institutions, including the provision of reparation for damages suffered as a result of discrimination;

(d) Seminar on the transmission of racial inequality from one generation to another, with special reference to the children of migrant workers and the appearance of new forms of segregation;

(e) Seminar on immigration and racism;

(f) Seminar on international cooperation in the elimination of racial discrimination, including cooperation between States, the contribution of non-governmental organizations, national and regional institutions, United Nations bodies and petitions to treaty-monitoring bodies;

(g) Seminar on the enactment of national legislation to combat racism and racial discrimination affecting ethnic groups, migrant workers and refugees in all parts of the world;

(h) Seminar on flows of refugees resulting from ethnic conflicts or political restructuring of multi-ethnic societies in socio-economic transition and their link with racism in the host country;

(i) Training course on national legislation prohibiting racial discrimination for nationals from countries with and without such legislation;

(j) Regional seminars on nationalism, ethno-nationalism and human rights could also provide an opportunity for broadening knowledge of the causes of today's ethnic conflicts and particularly of the so-called policy of "ethnic cleansing", in order to provide solutions;

(k) Seminar for educational and training experts, including non-governmental organizations, in cooperation with the United Nations Educational, Scientific and Cultural Organization and other appropriate agencies, aimed at the development of educational materials and training courses for teachers and other opinion leaders on eliminating prejudice and fostering tolerance.

8. The General Assembly requests the Department of Public Information of the Secretariat to undertake specific activities that could be carried out by Governments and relevant national non-governmental organizations to commemorate the International Day for the Elimination of Racial Discrimination on 21 March each year. Support should be sought from artists, as well as religious leaders, trade unions, enterprises and political parties, to sensitize the population on the evils of racism and racial discrimination.

9. The Department of Public Information should also publish its posters for the Third Decade and informative brochures on the activities planned for the Decade. Documentary films and reports, as well as radio broadcasts on the damaging effects of racism and racial discrimination, should, moreover, be considered.

10. In cooperation with the United Nations Educational, Scientific and Cultural Organization and the Department of Public Information, the General Assembly supports the organization of a seminar on the role of mass media in combating or disseminating racist ideas.

11. In cooperation with the International Labour Organization, the possibility of organizing a seminar on the role of trade unions in combating racism and racial discrimination in employment should be explored.

12. The General Assembly invites the United Nations Educational, Scientific and Cultural Organization to expedite the preparation of teaching materials and teaching aids to promote teaching, training and educational activities against racism and racial discrimination, with particular emphasis on activities at the primary and secondary levels of education.

13. The General Assembly calls upon Member States to make special efforts:

(a) To promote the aim of non-discrimination in all educational programmes and policies;

(b) To give special attention to the civic education of teachers. It is essential that teachers be aware of the principles and essential content of the legal texts relevant to racism and racial discrimination and of how to deal with the problem of relations between children belonging to different communities;

(c) To teach contemporary history at an early age, presenting children with an accurate picture of the crimes committed by fascist and other totalitarian regimes, and more particularly of the crimes of apartheid and genocide;

(d) To ensure that curricula and textbooks reflect anti-racist principles and promote intercultural education.

ACTION AT THE NATIONAL AND REGIONAL LEVELS

14. The following questions are addressed in the context of action to be undertaken at the national and regional levels: have there been any successful national models to eliminate racism and racial prejudices that could be recommended to States, for example, for educating children, or principles of equality to tackle racism against migrant workers, ethnic minorities or indigenous peoples? What kind of affirmative action programmes are there at the national or regional level to redress discrimination against specific groups?

15. The General Assembly recommends that States that have not yet done so adopt, ratify and implement legislation prohibiting racism and racial discrimination, such as the International Convention on the Elimination of All Forms of Racial Discrimination and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

16. The General Assembly recommends that Member States review their national programmes to combat racial discrimination and its effects in order to identify

and to seize opportunities to close gaps between different groups, and especially to undertake housing, educational and employment programmes that have proved to be successful in combating racial discrimination and xenophobia.

17. The General Assembly recommends that Member States encourage the participation of journalist and human rights advocates from minority groups and communities in the mass media. Radio and television programmes should increase the number of broadcasts produced by and in cooperation with racial and cultural minority groups. Multicultural activities of the media should be also encouraged where they can contribute to the suppression of racism and xenophobia.

18. The General Assembly recommends that regional organizations cooperate closely with United Nations efforts to combat racism and racial discrimination. Regional organizations dealing with human rights issues could mobilize public opinion in their regions against the evils of racism and racial prejudices directed towards disadvantaged racial and ethnic groups. These institutions could serve an important function in assisting Governments to enact national legislation against racial discrimination and promote adoption and application of international conventions. Regional human rights commissions should be called upon to publicize widely basic texts on existing human rights instruments.

BASIC RESEARCH AND STUDIES

19. The long-term viability of the United Nations programme against racism and racial discrimination will depend in part on continuing research into the causes of racism and into the new manifestations of racism and racial discrimination. The General Assembly may wish to examine the importance of preparing studies on racism. The following are some aspects to be studied:

(a) Study of the application of article 2 of the International Convention on the Elimination of All Forms of Racial Discrimination. Such a study might assist States to learn from one another the national measures undertaken to implement the Convention;

(b) Study of the economic factors contributing to perpetuation of racism and racial discrimination;

(c) Integration or preservation of cultural identity in a multiracial or multi-ethnic society;

(d) Study of political rights, including the participation of various racial groups in political processes and their representation in government service;

(e) Study of civil rights, including migration, nationality and freedom of opinion and association;

(f) Study of educational measures to combat racial prejudice and discrimination and to propagate the principles of the United Nations;

(g) Studies of the socio-economic costs of racism and racial discrimination;

(h) Global integration and the question of racism and the nation State;

(i) National mechanism against racism and racial discrimination in the fields of immigration, employment, salary, housing, education and ownership of property.

COORDINATION AND REPORTING

20. It may be relevant to recall that, in its resolution 38/14 of 22 November 1983, in which it proclaimed the Second Decade to Combat Racism and Racial Discrimination, the General Assembly charged the Economic and Social Council with coordinating the implementation of the programme and evaluating the activities. The Assembly decides that the following steps should be taken to strengthen the United Nations input into the Third Decade to Combat Racism and Racial Discrimination:

(a) The General Assembly entrusts the Economic and Social Council and the Commission on Human Rights, in cooperation with the Secretary-General, with the responsibility for coordinating the programmes and evaluating the activities undertaken in connection with the Third Decade;

(b) The Secretary-General is invited to provide specific information on activities against racism, to be contained in one annual report, which should be comprehensive in nature and allow a general overview of all mandated activities. This will facilitate coordination and evaluation;

(c) An open-ended working group of the Commission on Human Rights, or other appropriate arrangement under the Commission, may be established to review Decade-related information on the basis of the annual reports referred to above, as well as relevant studies and reports of seminars, to assist the Commission in formulating appropriate recommendations to the Economic and Social Council on particular activities, allocation of priorities and so on.

21. Furthermore, an inter-agency meeting should be organized immediately after the proclamation of the Third Decade, with a view to planning working meetings and other activities.

REGULAR SYSTEM-WIDE CONSULTATIONS

22. On an annual basis, consultations between the United Nations, specialized agencies and non-governmental organizations should take place to review and plan Decade-related activities. In this framework, the Centre for Human Rights should organize inter-agency meetings to consider and discuss further measures to strengthen the coordination and cooperation of programmes related to the issues of combating racism and racial discrimination.

23. The Centre for Human Rights should also strengthen the relationship with non-governmental organizations fighting against racism and racial discrimination by holding consultations and briefings with the non-governmental organizations. Such meetings could help them to initiate, develop and present proposals regarding the struggle against racism and racial discrimination.

24. The Secretary-General should include the activities to be carried out during the Decade, as well as the related resource requirements, in the proposed programme budgets, which will be submitted biennially, during the Decade, starting with the proposed programme budget for the biennium 1994-1995.